

REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, tentatively rejected all claims 1-12. Claims 1, 7, and 9 have been amended, and support for the amendments is found in the specification and claims as filed. Accordingly, the amendments do not constitute the addition of new matter.

Claims 6 and 12 have been cancelled without prejudice. As a result, claims 1-5 and 7-11 remain pending in the present application. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Double Patenting

The Office Action reject claims 1, 6, 7, and 12 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1 and 8 of Kao (US 6,491,265). In response, a terminal disclaimer, which is being submitted herewith, is submitted to overcome the rejection under obviousness-type double patenting.

Claim Objection

The Office Action objected claims 1 and 7 based on certain alleged informalities. Claims 1 and 7 have been amended to address the issues raised in the objections. The “rest luminant” have been amended to --rest of the luminant--, as suggested by the Office Action. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claim Rejection - 35 U.S.C. §112, Second Paragraph

The Office Action rejected claims 9 under 35 U.S.C. §112 as allegedly indefinite for lacking antecedent basis about “the luminant units”. In claim 9, “the luminant units” has been amended to --the luminant cells--. Applicants respectfully submit that no new matter has been added by this change and further submits that the Office Action’s rejection under Section 112 is overcome.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejection - 35 U.S.C. §102

Finally, on a substantive basis, the Office Action rejected claims 1-5 and 7-11 under 35 U.S.C. §102(e) as allegedly anticipated by *Yura et al* (U.S. 6,522,072). Of the rejected claims, only claims 1 and 7 are independent.

For at least the following reasons, Applicants respectfully request that the rejection be withdrawn.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP §2131)

Independent claims 1 and 7 have been amended to incorporate the limitations of claims 6 and 12, respectively. As claims 6 and 12 were not subject to the rejection, the rejections of claims 1 and 7 should be withdrawn.

Accordingly, Applicant respectfully submits that independent claims 1 and 7 as amended are allowable over the art of record and respectfully requests the 35 U.S.C. §102(e)

rejection of claims 1 and 7 to be reconsidered and withdrawn. In addition, insofar claims 2-5 and 8-11 depend from independent claims 1 and 7 and add further limitations thereto, the 35 U.S.C. §102(e) rejection of these claims should be withdrawn as well.

Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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